

7. [Amended] The radiation therapy device of claim 6, wherein said first collimator is controllable to selectively collimate a photon beam generated by said photon radiation source.

8. [Amended] The radiation therapy device of claim 6, wherein said second collimator is controllable to selectively collimate an electron beam generated by said electron radiation source.

#### R E M A R K S

Claims 1-23 were presented for examination. The Examiner has rejected all claims. Upon entry of this amendment, which is respectfully requested for the reasons set forth herein, claims 1-23 will still be pending. Claims 7 and 8 have been amended to correct the dependency thereof. In view of the remarks below, reconsideration and further examination are respectfully requested.

#### **Claim Rejections – 35 USC § 102 and 35 USC § 103**

Claims 1-9, 11-15, 18, 19 and 21-23 are rejected under 35 USC § 103 as being unpatentable over U.S. Patent No. 6,167,114 (Siochi) in view of U.S. Patent No. 5,160,847 (Leavitt et al.). Claims 10, 16 and 17 were rejected under 35 USC § 103 as being unpatentable over Siochi in view of Leavitt, and further in view of the Karlsson article cited by applicants. Claim 20 is rejected under 35 USC § 102 (b) as being anticipated by Leavitt.

#### STATEMENT OF COMMON OWNERSHIP

In regard to the rejections under 35 USC § 103, it is noted that U.S. Patent No. 6,167,111 (Siochi) is prior art with respect to this application, if at all, only pursuant to 35 USC § 102 (e). However, the subject matter of this application and U.S. Patent No. 6,167,111 were, at the time the invention of this application was made, owned by Siemens Medical Systems, Inc. Therefore, pursuant to 35 USC § 103 (c) and MPEP 706.02 (l) (1), U.S. Patent No. 6,167,111 is disqualified from consideration as prior art against the present application under 35 USC § 103 (a). It is